



General Assembly

February Session, 2002

Amendment

LCO No. 4430

HB0515304430HR0

Offered by:

REP. CLEARY, 80th Dist.

To: Subst. House Bill No. 5153

File No. 292

Cal. No. 170

"AN ACT CONCERNING WATER SUPPLY PLANS."

1 Strike section 2 in its entirety and insert the following in lieu thereof:

2 "Sec. 2. Section 19a-36 of the general statutes is amended by adding
3 subsection (d) as follows (*Effective October 1, 2002*):

4 (NEW) (d) Notwithstanding any regulation adopted by the
5 Commissioner of Public Health for purposes of the Public Health
6 Code, the local director of health may authorize the use of an existing
7 private well or the installation of a replacement well at a single-family
8 residential premises that is located within two hundred feet of an
9 approved community water supply system, measured along a street,
10 alley or easement, where (1) a premises that is not connected to the
11 public water supply may replace a well used for domestic purposes if
12 water quality testing is performed at the time of the installation, and
13 for at least every ten years thereafter, or for such time as requested by
14 the local director of health, that demonstrates that the well meets the
15 water quality standards for private wells established in the Public

16 Health Code, and provided there is no connection between the
17 residential water supply well and the public water supply, and all
18 other applicable sections of the regulations of Connecticut state
19 agencies are met, or (2) a premises served by a public water supply
20 may utilize or replace an existing well or install a new well solely for
21 irrigation purposes or other outdoor water uses provided such well is
22 permanently and physically separated from the internal plumbing
23 system of the premises and a reduced pressure device is installed to
24 protect against a cross connection with the public water supply.

25 Sec. 3. Section 19a-209a of the general statutes is repealed and the
26 following is substituted in lieu thereof (*Effective October 1, 2002*):

27 The director of health of a town, city, or borough or of a district
28 health department may issue a permit for the installation or
29 replacement of a water supply well on residential premises that are
30 located within two hundred feet of an approved community water
31 supply system, measured along a street, alley or easement, where (1)
32 the water from the water supply well is only used for [purposes other
33 than] irrigation or other outside use and is not used for human
34 consumption, provided a reduced pressure device is installed to
35 protect against a cross connection with the public water supply, (2) [no
36 connection exists between the water supply well and the community
37 water supply system,] the well replaces an existing well that was used
38 at the premises for domestic purposes, or (3) the Department of Public
39 Utility Control has ordered the community water supply system to
40 reduce the demand on its system, [and (4)] provided (A) no connection
41 exists between the water supply well and the community water
42 system, and (B) the use of the water supply well will not affect the
43 purity or adequacy of the supply or service to the customers of the
44 community water supply system. Any well installed pursuant to
45 subdivision (2) of this subsection shall be subject to water quality
46 testing that demonstrates the supply meets the water quality standards
47 established in section 19a-37, as amended by this act, at the time of
48 installation and at least every ten years thereafter or as requested by
49 the local director of health.

50 Sec. 4. Section 19a-37 of the general statutes is repealed and the
51 following is substituted in lieu thereof (*Effective October 1, 2002*):

52 (a) The Commissioner of Public Health may adopt regulations in the
53 Public Health Code for the preservation of the public health pertaining
54 to (1) protection and location of new water supply wells or springs for
55 residential construction or for public or semipublic use, and (2)
56 inspection for compliance with the provisions of municipal regulations
57 adopted pursuant to section 22a-354p.

58 (b) The Commissioner of Public Health shall adopt regulations, in
59 accordance with chapter 54, for the testing of water quality in private
60 residential wells. Any laboratory or firm which conducts a water
61 quality test on a private well serving a residential property, within
62 thirty days of the completion of such test, shall report the results of
63 such test to the public health authority of the municipality where the
64 property is located provided such report shall not be required if the
65 party for whom the laboratory or firm conducted such test informs the
66 laboratory or firm that the test was not conducted within six months of
67 the sale of such property. No regulation may require such a test to be
68 conducted as a consequence or a condition of the sale, exchange,
69 transfer, purchase or rental of the real property on which the private
70 residential well is located.

71 (c) The Commissioner of Public Health shall adopt regulations, in
72 accordance with chapter 54, to clarify the criteria under which a well
73 permit exception may be granted and describe the terms and
74 conditions that shall be imposed when a well is allowed at a premise
75 that is connected to a public water supply system. Such regulations
76 shall (1) provide for notification of the permit to the public water
77 supplier, (2) address the quality of the water supplied from the well,
78 the means and extent to which the well shall not be interconnected
79 with the public water supply, the need for a physical separation, and
80 the installation of a reduced pressure device for backflow prevention,
81 the inspection and testing requirements of any such reduced pressure
82 device, and (3) identify the extent and frequency of water quality

83 testing required for the well supply.

84 [(c)] (d) No regulation may require that a certificate of occupancy
85 for a dwelling unit on such residential property be withheld or
86 revoked on the basis of a water quality test performed on a private
87 residential well pursuant to this section, unless such test results
88 indicate that any maximum contaminant level applicable to public
89 water supply systems for any contaminant listed in the public health
90 code has been exceeded. No administrative agency, health district or
91 municipal health officer may withhold or cause to be withheld such a
92 certificate of occupancy except as provided in this section.

93 [(d)] (e) No regulation may require the water in private residential
94 wells to be tested for alachlor, atrazine, dicamba, ethylene dibromide
95 (EDB), metolachlor, simazine or 2,4-D or any other herbicide or
96 insecticide unless (1) results from a prior water test indicate a nitrate
97 concentration at or greater than ten milligrams per liter and (2) the
98 local director of health has reasonable grounds to suspect such
99 chemical or chemicals are present in said residential well. For the
100 purposes of this subsection, "reasonable grounds" includes, but is not
101 limited to, the proximity of the particular water supply system to past
102 or present agricultural uses of land.

103 [(e)] (f) Any owner of a residential construction on which a private
104 residential well is located or any general contractor of a new
105 residential construction on which a private residential well is located
106 may collect samples of well water for submission to a laboratory or
107 firm for the purposes of testing water quality pursuant to this section,
108 provided such laboratory or firm finds said owner or general
109 contractor to be qualified to collect such sample. No regulation may
110 prohibit or impede such collection or analysis.

111 [(f)] (g) No regulation may require the water in private residential
112 wells to be tested for organic chemicals unless the local director of
113 health has reasonable grounds to suspect such organic chemicals are
114 present in said residential well. For purposes of this subsection,

115 "reasonable grounds" means any indication, derived from a phase I
116 environmental site assessment or otherwise, that the particular water
117 supply system that is to be tested exists on land or in proximity to land
118 associated with the past or present production, storage, use or disposal
119 of organic chemicals.

120 [(g)] (h) The amendments to sections 19-13-B51l and 19-13-B101 of
121 the regulations of Connecticut state agencies that became effective
122 December 30, 1996, shall be waived for those residential wells which
123 were not tested in accordance with said amendments between
124 December 30, 1996, and July 8, 1997."